

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,

v.

Civil Action No. 2:93cv902

THE WRECKED AND ABANDONED VESSEL,
ITS ENGINES, TACKLE, APPAREL,
APPURTENANCES, CARGO, ETC., LOCATED
WITHIN ONE (1) NAUTICAL MILE OF A POINT
LOCATED AT 41 43/ 32' NORTH LATITUDE
AND 49 56' 49" WEST LONGITUDE,
BELIEVED TO BE THE R.M.S. TITANIC
in rem,

Defendant.

PERIODIC REPORT

NOW COMES Plaintiff, R.M.S. Titanic, Inc. ("RMST" or the "Company"), by counsel, and files this Periodic Report of R.M.S. Titanic, Inc. on the Progress of Research and Recovery Operations ("Periodic Report").

I. Titan Submersible.

On Sunday June 18, 2023 a submersible owned and operated by OceanGate Expeditions ("OceanGate") suffered a catastrophic failure while diving the wreck of TITANIC. All five passengers on board perished: Hamish Harding, a U.K citizen, Shahzada Dawood and his son Sulaiman Dawood, both Pakistani citizens, Stockton Rush, a U.S. citizen and President and Chief Executive Officer of OceanGate, and Paul Henri Nargeolet, a dual French and United States citizen, noted French diver, Titanic expert and employee of RMST.

The tragedy took place in international waters, and the United States Coast Guard ("USCG") reports part of the submersible came to rest within 1600 feet of the bow section of the

wreck of TITANIC. The USCG is conducting a Marine Board of Investigation (“MBI”) directed by the Commandant of the United States Coast Guard (“USCG”). An MBI is the highest level of investigation in the Coast Guard. Upon completion of the investigation, the Board will issue a report to the Commandant with the evidence collected, the facts established, its conclusions, and recommendations. The MBI seeks to determine the cause of death, whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any individual licensed, certificated, or documented has contributed to the cause of death involved in the casualty, so that appropriate remedial action may be taken; whether there is evidence that an act subjecting the offender to a civil penalty under that laws of the United States has been committed, so that appropriate action may be undertaken to collect a penalty; whether there is evidence that a criminal act under the laws of the United States has been committed, so that the matter may be referred to appropriate authorities for prosecution; whether there is need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.

The National Transportation Safety Board will participate in the investigation. The USCG has named France, United Kingdom, and Canada as substantially interested states under the International Maritime Organization Casualty Code, and has likewise invited Pakistan to participate in the investigation under the same designation. The USCG has named OceanGate and the POLAR PRINCE, the vessel OceanGate used for its expedition, as parties in interest. The Marine Board of Investigation will conclude in approximately 12-18 months with a public hearing in which witnesses provide sworn testimony.

In the hours and days following the tragedy, the USCG commenced its search and rescue, and search and recovery operations. RMST worked closely with NOAA and USCG providing all

requested data and other intellectual property, including its map of the wreck site, to assist in these efforts.

The vessel HORIZON ARCTIC, the sister vessel to the POLAR PRINCE, was used by Navy Supervisor of Salvage and Diving (SUPSALV) and the USCG as the base of operations on-scene. Using a remotely operated vehicle, SUPSALV, on behalf of the USCG, MBI recovered most of the remnants of Titan, leaving two pieces for potential future recovery. The remnants that were recovered contain presumed human remains. The USCG is working with a medical examiner to identify the remains and return them to the victims' families.

Canada has likewise commenced its own investigation into the incident, including into the POLAR PRINCE, a Canadian flagged vessel, which served as the OceanGate charter vessel.

On June 28, 2023, the HORIZON ARCTIC arrived in port in St. John's, Newfoundland carrying all items recovered from the wreck site. The USCG issued a subpoena for all such items, which have been catalogued according to its protocols. All items are now secured on a USCG Base in Newport, Rhode Island. The USCG has agreed to provide RMST with the catalogued inventory which RMST will file with the Court in its next Periodic Report.

Attached as Exhibit 1 are three versions of a new map of the wreck site generated by RMST which provides the updated coordinates of the Titan wreckage based on the current information available to the Company. RMST will continue to evaluate the impact, if any, on its rights and the wreck site if future efforts are made to recover the remnants of Titan remaining on the ocean floor. *See, RMS Titanic, Inc. v Haver*, 117 F.3d 943 (4th Cir. 1996).

RMST mourns the loss of all five persons on board Titan and extends its sincere condolences to their family members. P.H. Nargeolet was not only an employee of RMST, he was a dear friend to so many of us over the last thirty years. Many knew P.H. as a renowned French

deep-sea diver with an unparalleled knowledge of the Titanic wreck, having conducted approximately 37 dives to it in manned submersibles. But we at RMST knew him as a kind, thoughtful, and steady gentleman who we will miss dearly. Over the years the Court spent considerable time listening to P.H. testify, and we know it shares our affinity for him and grieves his loss.

As the Company grieves the loss of P.H., it has begun revisiting how and why P.H. participated in the OceanGate expedition while he served as an employee of RMST. P.H. was merely a guest on the expedition, and did not participate as an agent of RMST. RMST has never endorsed tourist dives at the wreck. P.H.'s love and passion for Titanic drew him to Titan, and OceanGate welcomed him as a true expert. Because he was RMST's full-time Director of Underwater Research, the Company gave him dispensation to participate as a guest on the OceanGate expedition.

On May 18, 2021, David Concannon, Esq., counsel to OceanGate, filed a letter with the Court (Dkt. 660) in which he informed the court of the tourist dives that OceanGate had planned for that summer. On December 18, 2019, this Court granted Mr. Concannon's motion for admission *pro hac vice* (Dkt. 583) to serve as counsel for RMST; he represented RMST in this matter for approximately six months until he withdrew from the representation in June 2020 and Mr. Concannon and RMST are no longer associated or working together currently in any way. In the May 18 letter referenced above, Mr. Concannon, now representing OceanGate, described Titan in detail, referring to it as a "Cyclops-class manned submersible", which included "engineering evaluation work performed by Boeing Company under contract to OceanGate" and "detailed engineering and development work under a Company issued \$5 million contract to the University of Washington's Applied Physics Laboratory and a Space Act contract with NASA for advanced

designed work on the carbon fiber hull.” *Id.* These representations convinced RMST to approve P.H.’s participation on the OceanGate expedition believing Titan was properly designed and developed. It now appears that certain entities including Boeing and University of Washington are disputing the representations Mr. Concannon made in the letter he filed with the Court. *See e.g.*, Exhibit 2 attached hereto.¹ The Company will continue looking into these matters and will report back as appropriate.

RMST, as the Trustee of the artifacts recovered from the Titanic wreck site, the imaging conservator, and sole salvor-in-possession since 1994, will continue monitoring all activities surrounding the Titanic wreck site and report all pertinent information to this Court. During and after this tragedy, RMST provided all requested information and aid to the relevant authorities to help in the search, and will continue to fully cooperate with the investigation. The Company is committed to going above and beyond what is necessary to protect the wreck site, preserve the legacy of Titanic and the memory of her passengers and crew, to share the story and educate the world, and now, in honor of P.H., to further inspire the next generation of explorers.

¹ Found at www.cnn.com/2023/06/23/us/oceangate-submersible-titanic-safety-invs/index.html, last visited July 3, 2023.

Respectfully submitted,

RMS TITANIC, INC.

By Counsel:

/s/ Brian A. Wainger

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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2023, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Brian A. Wainger

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